



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

April 25, 2002

Catholic Diocese of Wichita
424 N. Broadway
Wichita, KS 67202

RE: BZA 2002-00014 – Variance to reduce off-street parking requirements from 92 spaces to 63 spaces. Generally located northeast corner of Central and Broadway.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on April 23, 2002, this resolution reflects the official action of the Board to grant your requests and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Knebel'.

Scott Knebel
Assistant BZA Secretary

SK/rms

cc: Architectural Innovations, %Bradley Doeden, 7701 E. Kellogg, Suite 850,
Wichita, KS 67207
City Council Member District VI, Sharon Fearey, Mail Stop 1-13
D.A.B. VI, Terri Dozal, Mail Stop 1-135
Sharon Dickgrafe, Law Department, Mail Stop 1-132
J. R. Cox, OCI, 1-72

BZA RESOLUTION NO. 2002-00014

WHEREAS, Catholic Diocese of Wichita, (applicant); and Architectural Innovations, LLC, c/o Bradley Doeden (Agent), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce off-street parking requirements from 92 spaces to 63 spaces on property zoned "GC" General Commercial and legally described as follows:

That Part of J.P. Hilton's Reserve in J.P. Hilton's Addition to Wichita, Kansas, Sedgwick County Kansas described as follows:

Beginning at the Southwest Corner of said Reserve, thence North 100 feet; thence East 140 feet; thence South 100 feet; thence West 140 feet to the place of beginning. AND Beginning 100 feet North of the Southwest Corner of said Reserve, thence North 130 feet; thence East 140 feet; thence South 130 feet; thence West 140 feet to beginning. TOGETHER WITH The North 50 feet of the West 140 feet of Hilton's Reserve, J.P. Hilton's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Central and Broadway.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of April 23, 2002, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique. It is the opinion of the Board that this property is unique inasmuch as the site is located immediately across the street from the Central Business District, which does not have parking requirements, and is in an area where most structures were built prior to the proliferation of motorized vehicles and do not provide parking sufficient to meet the current parking requirements of the zoning regulations.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. It is the opinion of the Board that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the use of the property is not for a typical restaurant, and the typical user of the facility will not be parking a vehicle on the property. Therefore, sufficient parking spaces should be provided on the property and illegal parking for the facility on neighboring properties should not occur.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of the Board that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as providing the code-required number of parking spaces is cost prohibitive and would limit the operating capacity of a philanthropic use.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. It is the opinion of the Board that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in providing meals for the homeless and others with limited economic resources.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. It is the opinion of the Board that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the parking requirements of the zoning regulations are not appropriate in all cases. Therefore, variances to relieve the parking requirement are permitted if proper justification is available. The zoning regulations attempt to provide sufficient parking to meet the demand of the use. The use of the property requires less than the typical number of parking spaces for a restaurant because the typical user of the facility will not be parking a vehicle on the property.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that a variance to Sec. IV-A.4 of the Unified Zoning Code to reduce off-street parking requirements from 92 spaces to 63 spaces is hereby granted on property zoned "GC" General Commercial and legally described as follows:

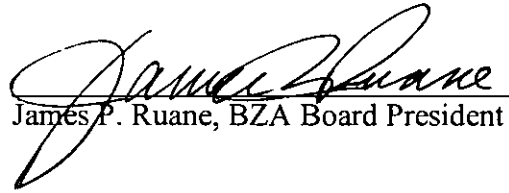
That Part of J.P. Hilton's Reserve in J.P. Hilton's Addition to Wichita, Kansas, Sedgwick County Kansas described as follows:

Beginning at the Southwest Corner of said Reserve, thence North 100 feet; thence East 140 feet; thence South 100 feet; thence West 140 feet to the place of beginning. AND Beginning 100 feet North of the Southwest Corner of said Reserve, thence North 130 feet; thence East 140 feet; thence South 130 feet; thence West 140 feet to beginning. TOGETHER WITH The North 50 feet of the West 140 feet of Hilton's Reserve, J.P. Hilton's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Central and Broadway.

The variance is hereby subject to the following conditions:

1. The site shall be developed in substantial conformance with the site plan submitted with this application.
2. All parking areas shall be paved and marked.
3. The operation of a restaurant on the site shall be limited to a charity-based restaurant that provides free or reduced-rate meals to people with economic hardships.
4. The maximum occupancy of a restaurant permitted the on-site shall be 276.
5. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this variance, unless such time period is extended by the BZA.
6. The site shall be inspected periodically by the Office of Central Inspection with a report to the Board within 6 months of granting the variance. If based on the report the Board finds that the parking lot is consistently over capacity, the applicant shall propose solutions satisfactory to the Board to comply with the variance.
7. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 23rd DAY of APRIL, 2002.


James P. Ruane, BZA Board President

ATTEST:


Scott Knebel, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2002-00014

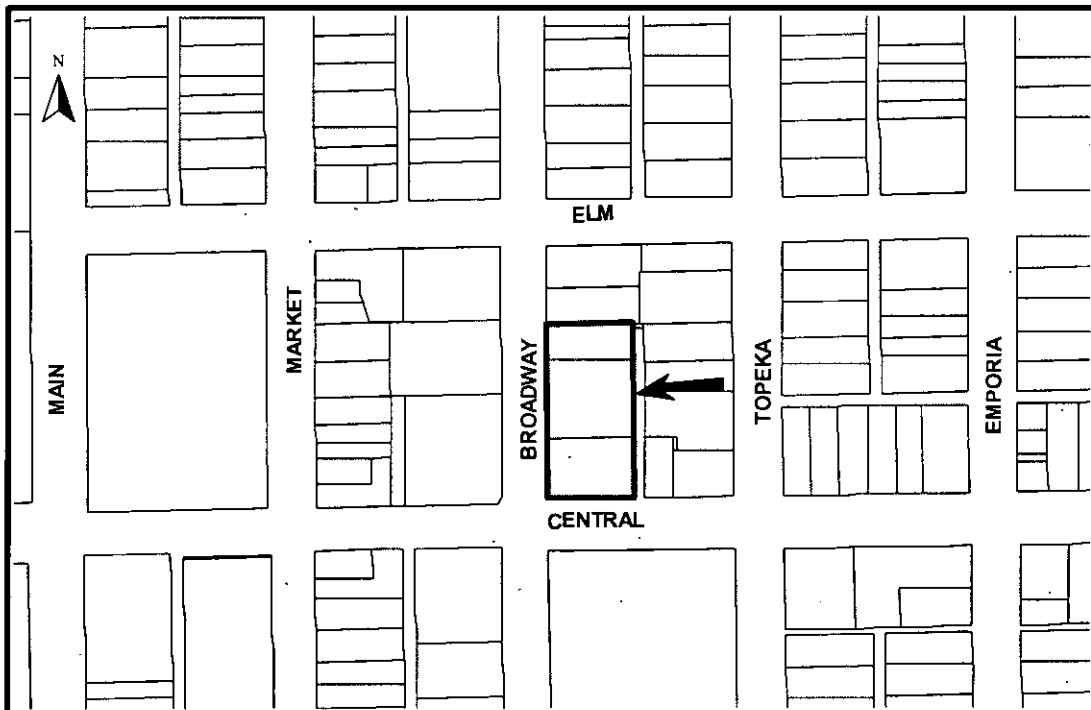
APPLICANT/AGENT: Catholic Diocese of Wichita (Owner/Applicant);
Architectural Innovations, LLC c/o Bradley Doeden
(Agent)

REQUEST: A variance to reduce off-street parking requirements from
92 spaces to 63 spaces

CURRENT ZONING: "GC" General Commercial

SITE SIZE: 0.85 acres

LOCATION: Northeast corner of Central and Broadway (520 N.
Broadway)



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The Unified Zoning Code requires one parking space per three occupants for a restaurant. The Lord's Diner, which was recently constructed on the subject property located at the northeast corner of Central and Broadway, has an occupancy of 276 and requires 92 off-street parking spaces. The current facility provides 63 off-street parking spaces. A variance is required to reduce the off-street parking requirement by more than 25% for redevelopment sites such as The Lord's Diner. Shared parking agreements with adjacent churches cannot be used because zoning regulations prohibit shared parking spaces from being located across an arterial street such as Broadway or Central.

The applicant has requested a variance to reduce the parking requirement from 92 spaces to 63 spaces because The Lord's Diner is not a traditional restaurant. Instead, The Lord's Diner provides free meals to the homeless and others with insufficient economic resources to secure regular, healthy meals. The applicant indicates in the attached justification that many of the people dining at the facility will walk to facility since they do not have vehicles and that most of the parking will be used by volunteers who prepare and serve the meals. The applicant further indicates that on-street parking is available along Topeka and that off-site parking is available about one block to the south across Central.

ADJACENT ZONING AND LAND USE:

| | | |
|-------|-------|------------|
| NORTH | "GC" | Office |
| SOUTH | "CBD" | Church |
| EAST | "GC" | Apartments |
| WEST | "GC" | Church |

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site is located immediately across the street from the Central Business District, which does not have parking requirements, and is in an area where most structures were built prior to the proliferation of motorized vehicles and do not provide parking sufficient to meet the current parking requirements of the zoning regulations.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the use of the property is not for a typical restaurant, and the typical user of the facility will not be parking a vehicle on the property. Therefore, sufficient parking spaces should be provided on the property and illegal parking for the facility on neighboring properties should not occur.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant,

inasmuch as providing the code-required number of parking spaces is cost prohibitive and would limit the operating capacity of a philanthropic use.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in providing meals for the homeless and others with limited economic resources.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the parking requirements of the zoning regulations are not appropriate in all cases. Therefore, variances to relieve the parking requirement are permitted if proper justification is available. The zoning regulations attempt to provide sufficient parking to meet the demand of the use. The use of the property requires less than the typical number of parking spaces for a restaurant because the typical user of the facility will not be parking a vehicle on the property.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance to reduce required off-street parking from 92 spaces to 63 spaces be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the site plan submitted with this application.
2. All parking areas shall be paved and marked.
3. The operation of a restaurant on the site shall be limited to a charity-based restaurant that provides free or reduced-rate meals to people with economic hardships.
4. The maximum occupancy of a restaurant permitted the on-site shall be 276.
5. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this variance, unless such time period is extended by the BZA.
6. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

BZA2002-00014
SITE PLAN

APPROVED 4-23-02 BY BZA

LEGAL DESCRIPTION

THAT PART OF J.P. HILTON'S RESERVE IN J.P. HILTON'S ADDITION TO WICHTA, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID RESERVE, THENCE NORTH 100 FEET; THENCE EAST 140 FEET; THENCE SOUTH 100 FEET; THENCE WEST 140 FEET TO THE PLACE OF BEGINNING.

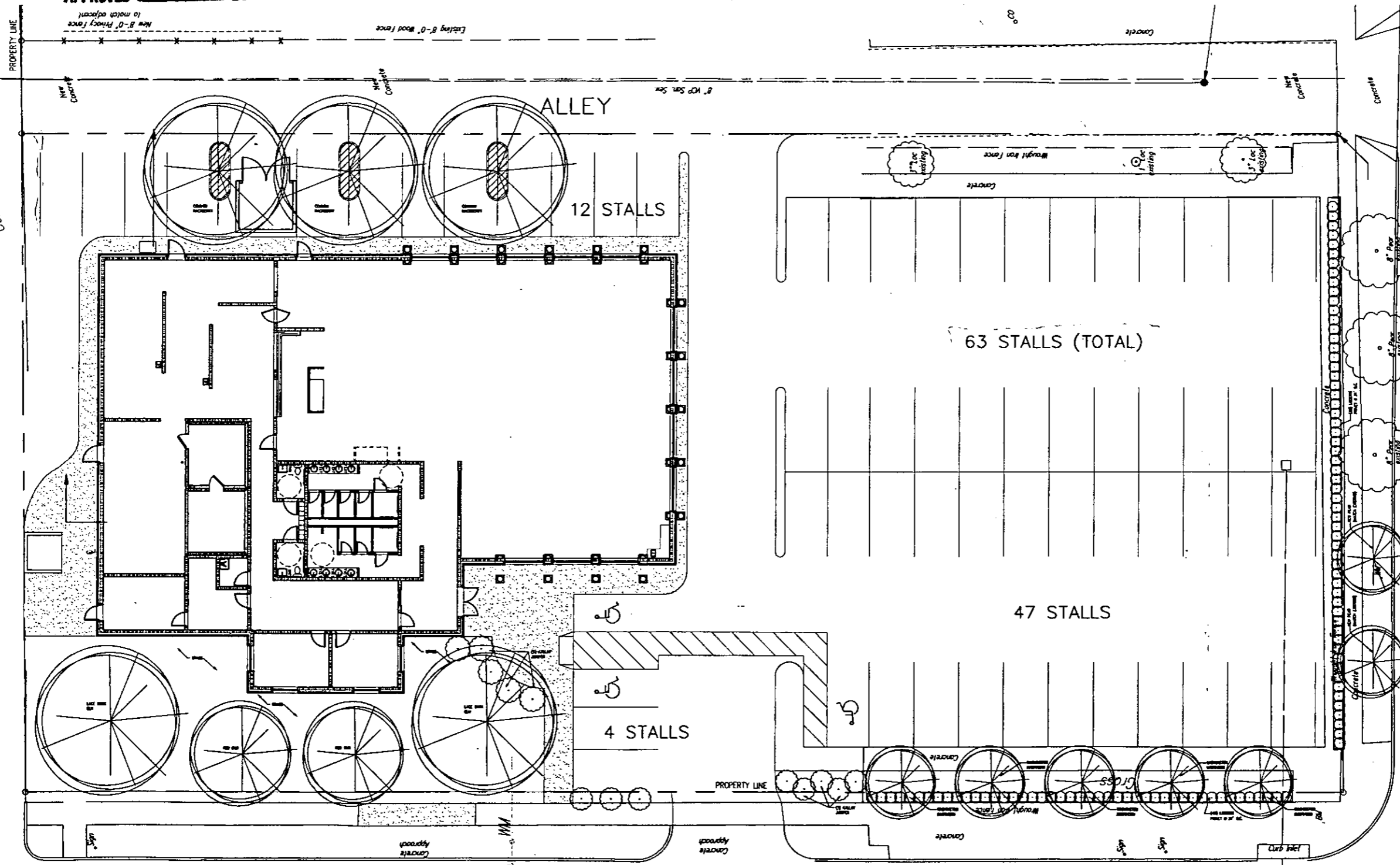
AND

BEGINNING 100 FEET NORTH OF THE SOUTHWEST CORNER OF SAID RESERVE, THENCE NORTH 130 FEET, THENCE EAST 140 FEET; THENCE SOUTH 130 FEET; THENCE WEST 140 FEET TO BEGINNING.

TOGETHER WITH:

THE NORTH 50 FEET OF THE WEST 140 FEET OF HILTON'S RESERVE, J.P. HILTON'S ADDITION TO THE CITY OF WICHTA, SEDGWICK COUNTY, KANSAS.

DATE: 03-21-02



LANDSCAPE PLAN
 1" = 24'

Architectural Innovations, LLC
 770 S. Gage Ave. Ste. 100
 Wicita, KS 67202
 (316) 962-3175



project no. 0022

B.Z.A DOCUMENT
THE LORD'S DINER
 820 N. BROADWAY
 WICHTA, KS 67202

sheet
A1.2
 LANDSCAPE PLAN